

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES MACAY AND
CELEBRITY FOODS, INC.

Plaintiff

V.

WILLIAM F. DONOVAN, M.D. and
SPINE PAIN MANAGEMENT, INC
Defendant

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CIVIL ACTION

NO.: **10-CV-218**

JURY DEMAND

ORDER

AND NOW, this _____ day of _____, 2010, pursuant to the motion to dismiss of Defendants, William F. Donovan, M.D. and Spine Pain Management, Inc. for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2), and any responding papers it is hereby ORDERED and DECREED that said motion is granted and the Plaintiffs' Complaint is dismissed.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES MACAY AND
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V.

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JURY DEMAND

ORDER

AND NOW, this _____ day of _____, 2010, pursuant to the motion to dismiss of Defendants, William F. Donovan, M.D. and Spine Pain Management, Inc. for improper venue granted pursuant to Fed. R. Civ. P. 12(b)(3), and any responding papers it is hereby ORDERED and DECREED that said motion is granted and the Plaintiffs' Complaint is dismissed.

BY THE COURT:

J.

TERENCE P. RUF, JR, ESQUIRE
Pennsylvania Attorney Identification No.: 203070
Law Office of Terence P. Ruf, Jr.
37 West Gay Street
West Chester, PA 19380
(484) 786-9203

Attorney for Defendant
William F. Donovan, M.D. and
Spine Pain Management, Inc.,

**IN THE UNITED STATES DISTRICT COURT
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CIVIL ACTION

NO.: **10-CV-218**

JURY DEMAND

**MOTION OF DEFENDANTS, WILLIAM F. DONOVAN, M.D. AND SPINE PAIN
MANAGEMENT, INC., TO DISMISS PLAINTIFFS, JAMES MACKAY AND
CELEBRITY FOODS, INC., COMPLAINT FOR LACK OF PERSONAL
JURISDICTION, PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(2)
AND IMPROPER VENUE PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE
12(b)(3)**

Defendants William F. Donovan, M.D. and Spine Pain Management, Inc., by and through their undersigned counsel, respectfully move the Court to dismiss the Plaintiffs' Complaint pursuant to Fed.R.Civ. P. 12(b)(2) for lack of personal jurisdiction and 12(b)(3) for improper venue as follows and for reasons set forth more fully in the accompanying memorandum.

WHEREFORE, Defendants, William F. Donovan, M.D. and Spine Pain Management, Inc., respectfully requests this Honorable Court dismiss the Plaintiff' Complaint pursuant to Fed.

R. Civ. P. 12(b)(2) with prejudice. Alternatively, this Court should dismiss the Plaintiffs' Complaint filing the lawsuit in an improper venue pursuant to Fed. R. Civ. P. 12(b)(3).

Proposed Orders are attached.

LAW OFFICE OF TERENCE P. RUF, JR.

Date: April 19, 2010

//s Terence P. Ruf, Jr.

TERENCE P. RUF, JR., ESQUIRE
Attorney ID: 203070

CERTIFICATION OF SERVICE

I, Terence P. Ruf, Jr., hereby certify that, on the 19th day of April, 2010, the foregoing Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) and/or 12(b)(3) was served electronically to the following counsel and is available for viewing and downloading from the ECF system

Counsel for the Plaintiff

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Wayne, PA 19087
mspearls@att.net

//s Terence P. Ruf, Jr.

TERENCE P. RUF, JR. ESQUIRE